CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	7	Геат:	CCRB Case #:	☐ Force	e 🗹 Discourt. 🗌 U.S.
Olga Bentin	S	Squad #4	201905013	Abus	se 🗌 O.L. 🔲 Injury
Incident Date(s)	I	Location of Incident:	•	Precin	ct: 18 Mo. SOL EO SOL
Sat, 06/08/2019 3:00 AM	A	Atlantic Avenue and S	chenck Avenue	75	12/08/2020 7/25/2021
Date/Time CV Reported	(CV Reported At:	How CV Reported:	Date/	Time Received at CCRB
Tue, 06/11/2019 9:51 AM	C	CCRB	Phone	Tue,	06/11/2019 9:51 AM
Complainant/Victim	Type	Home Addre	ess		
1. L G	Comp/Vic	tim			
2. S R	Victim				
3. An individual	Victim	Unknown			
Subject Officer(s)	Shield	TaxID	Command		
1. POM Samuel Hui	28856	953978	075 PCT		
2. POM M			075 PCT		
3. POM W			075 PCT		
4. POM J			075 PCT		
5. POM R			075 PCT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POM A			075 PCT		
2. SSA R M			075 PCT		
3. POM A			075 PCT		
4. POM N D			075 PCT		
Officer(s)	Allegation	l			Investigator Recommendation
A . POM Samuel Hui	Discourtes toward L	y: Police Officer Sam	uel Hui acted discou	rteously	A . Unsubstantiated
B . POM Samuel Hui	Abuse of A	Authority: Police Offic	er Samuel Hui quest	tioned	B . Exonerated
C . POM Samuel Hui	Abuse of A	Authority: Police Offic	er Samuel Hui friske	ed	C . Exonerated
D . POM Samuel Hui	Abuse of A	Authority: Police Offic	er Samuel Hui searc	hed	D . Exonerated
E. POM W	Abuse of A frisked S	Authority: Police Offic	eer W		E . Exonerated
F. POM J S	Abuse of A individual.	Authority: Police Offic	eer J S searc	hed an	F. Exonerated
G . POM Samuel Hui	Abuse of A vehicle in	Authority: Police Office which L	eer Samuel Hui searc was an occupant		G . Exonerated
H. POM W		Authority: Police Office vehicle in which L	G was		H . Exonerated
I . POM M		Authority: Police Office on which L	eer M B was		I . Exonerated

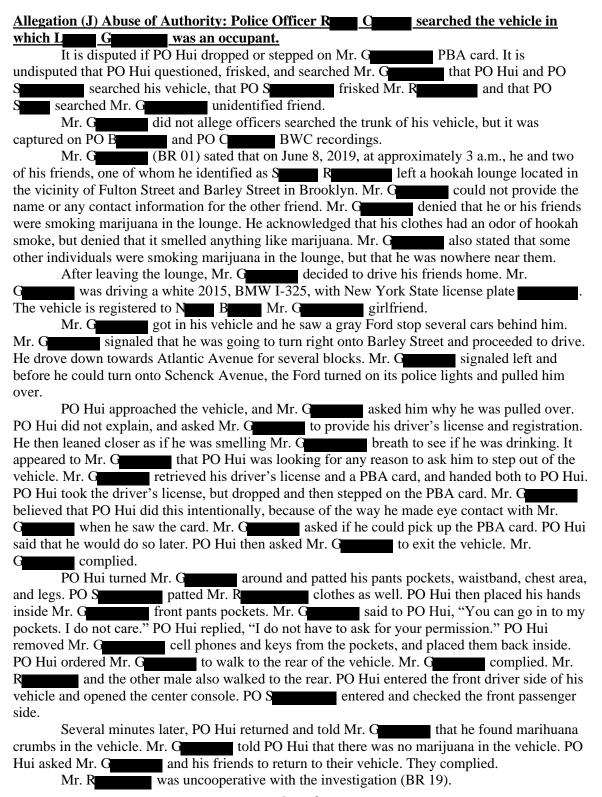
Officer(s)	Allegation	Investigator Recommendation
J. POM R	Abuse of Authority: Police Officer R C searched the vehicle in which L C was an occupant.	J. Exonerated
K . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui refused to provide his name to L	K . Unfounded
L . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui refused to provide his shield number to L	L. Unfounded
M . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui failed to provide Lagrange With a business card.	M . Exonerated
N . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui interfered with Lagrange Garage use of a recording device.	N . Unfounded
O . POM Samuel Hui	Other: Police Officer Samuel Hui had no business card as required by Patrol Guide procedure 204-09.	O . Other Misconduct

Case Summary On June 11, 2019, L contacted the CCRB by phone and filed this complaint on his own behalf and on behalf of his friend, S and another unidentified male victim. On June 8, 2019, at approximately 4:05 a.m., Mr. G was pulled over in the vicinity of Atlantic Avenue and Schenck Avenue in Brooklyn by PO Samuel Hui, PO W and PO M all of the 75th Precinct, for failure to signal. During this incident, PO Hui allegedly dropped and then stepped on a PBA card after it was handed to him by (Abuse of Authority: Allegation A, unsubstantiated). The officers asked all the occupants to exit the vehicle, and they complied. PO Hui then questioned, frisked, and searched (Abuse of Authority: Allegations B, C, and D, exonerated). PO S frisked Mr. R (Abuse of Authority: Allegation E, exonerated), and PO J of the 75th Precinct, searched the unidentified individual (Abuse of Authority: Allegation F, exonerated). PO Hui and PO S then entered and searched the interior of Mr. vehicle (Abuse of Authority: Allegations G and H, exonerated), PO B C also of the 75th Precinct, searched the trunk (**Abuse of Authority:** PO R Allegations I and J, exonerated). returned to his vehicle, he asked PO Hui for his name and shield After Mr. G number. PO Hui replied, "L.N." (Abuse of Authority: Allegations K and L, unfounded). Mr. pulled out his cell phone to record PO Hui, and asked him for his business card. PO Hui did not provide his business card (Abuse of Authority: Allegation M. exonerated), and placed his hand over Mr. G phone so he could not record (**Abuse of Authority:** Allegation N, unfounded). PO Hui had no business card as required (Allegation O: Other Misconduct). This incident did not result in any arrests. PO Hui issued Mr. Garage a summons for failure to signal (BR 02 and BR 20). The investigation was provided with BWC recordings of this incident which are

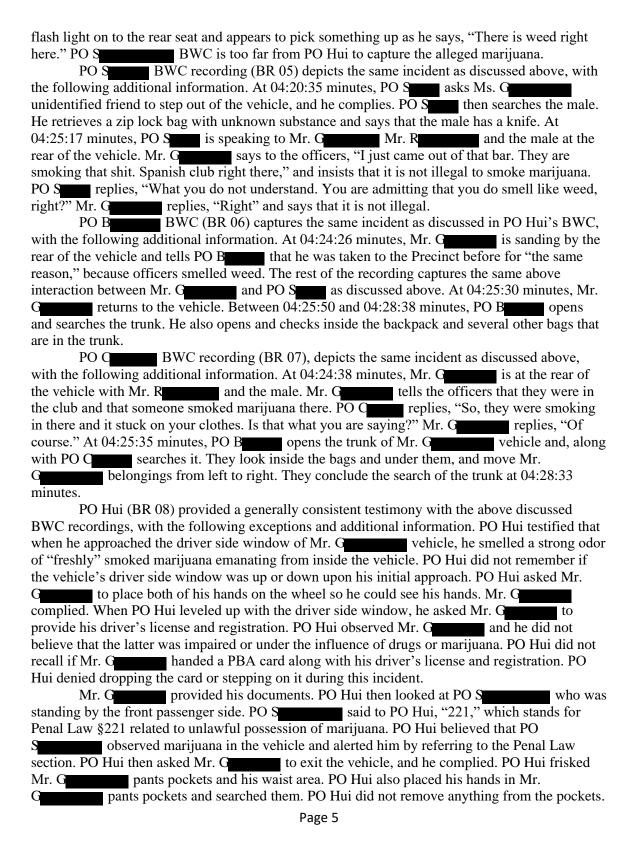
discussed in greater details below.

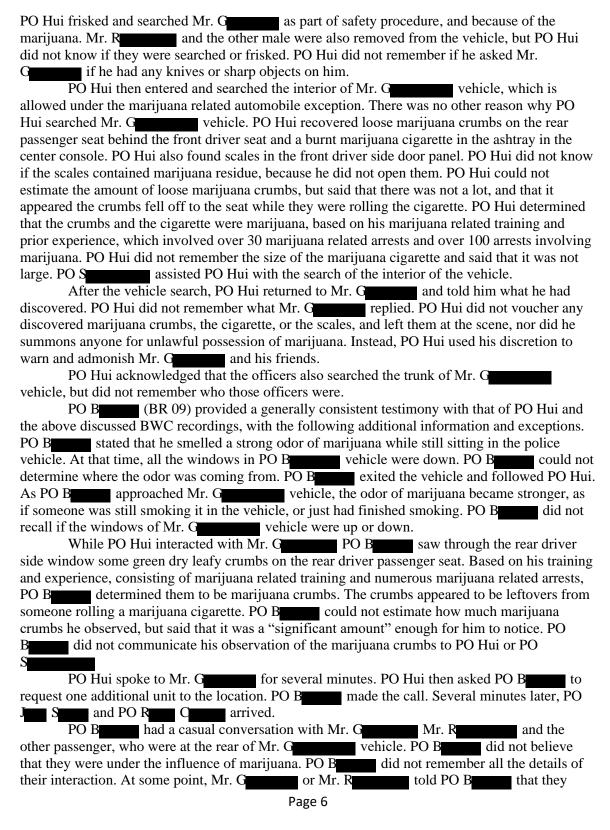
Findings and Recommendations Allegation (A) Discourtesy: Police Officer Samuel Hui acted discourteously toward L Allegation (B) Abuse of Authority: Police Officer Samuel Hui questioned L Allegation (C) Abuse of Authority: Police Officer Samuel Hui frisked L Allegation (D) Abuse of Authority: Police Officer Samuel Hui searched L Allegation (E) Abuse of Authority: Police Officer Police Officer W frisked S Allegation (F) Abuse of Authority: Police Officer J searched an unidentified individual. Allegation (G) Abuse of Authority: Police Officer Samuel Hui searched the vehicle in which was an occupant. Allegation (H) Abuse of Authority: Police Officer W searched the vehicle in which L was an occupant. G Allegation (I) Abuse of Authority: Police Officer M searched the vehicle B in which Lease German was an occupant.

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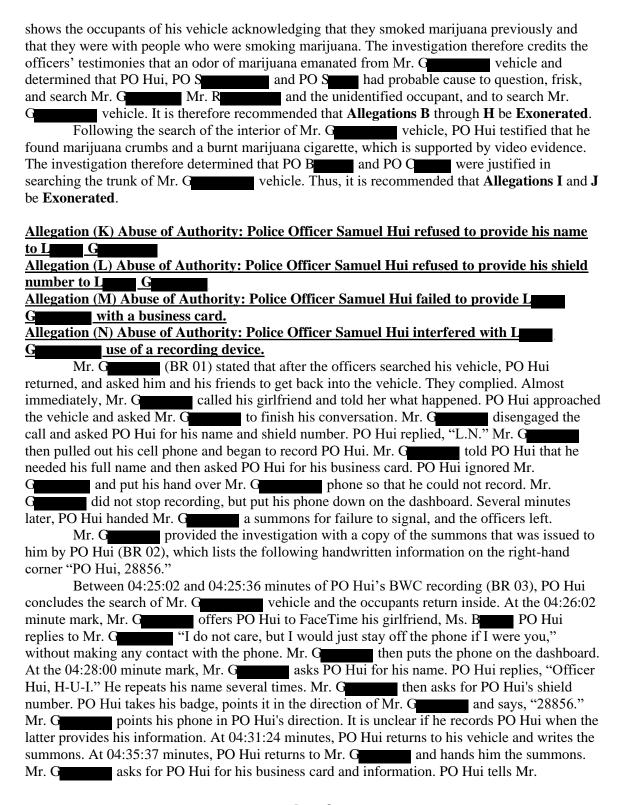


Because Mr. General could not provide any identifying information for the third
occupant, the investigation was unable to identify him or establish contact.
At 04:16:26 minutes of PO Hui's BWC recording (BR 03), PO Hui is standing by the
front driver side of Mr. G vehicle. PO S is standing by the front passenger
side of Mr. G vehicle. PO S says to PO Hui, "221." At 04:16:20 minutes,
PO Hui says to Mr. G "You are dropping stuff over here." Mr. G replies, "Can
I pick up my card, please?" PO Hui tells Mr. G that he can do so later. The video does
not capture the alleged card. At 04:17:13 minutes, Mr. Garage say to PO Hui, "There is
nothing in this car. No guns, if that's what you are looking for." At 04:17:36 minutes, Mr.
Says to PO Hui, "I have no problem you check my car." PO Hui replies, "Okay," and
asks Mr. General to stop reaching around. At 04:17:59 minutes, PO Hui informs Mr.
Games that he was stopped for multiple traffic infractions and that he is being recorded. At
04:18:39 minutes, PO S says to Mr. R "Maybe you should not be
committing traffic infractions and smoke weed in the car." It is unclear what Mr. R
replies to PO S At 04:19:10 minutes, PO Hui asks Mr. G to open the door.
He complies and exits the vehicle. At 04:19:27 minutes, PO Hui asks Mr. G
knives, blades, or razor on you?" Mr. Garage says, "No." PO Hui asks Mr. Garage to keep
his hands up, as he searches him. At 04:19:47 minutes, Mr. Garage says to PO Hui, "You can
go in my pocket. You can do whatever you want." PO Hui replies, "I am going in your pocket. I
know I can," and, "I am going in your pocket. I do not need your consent." At 14:20:19 minutes,
PO Hui tells Mr. General to move to the rear of the vehicle, and he complies. Between
04:22:17 and 04:24:54 minutes, PO Hui searches the front driver side, center console area, and
side door panels of Mr. General vehicle. PO Hui finds scales and places them on the vehicle's rooftop. PO Hui then moves to the rear passenger side and searches there. Between
04:24:27 and 04:25:02 minutes, PO Hui searches the rear passenger seat behind the driver. PO
Hui point his flash light with his left hand on the seat and says, "There is weed right here." It is
hard to see what PO Hui is pointing at, because the light from the flash light is very bright and
blinds the camera view. PO Hui then asks the officers to get all the passengers back into the
vehicle.
At 04:16:56 minutes of PO S BWC (BR 04), PO S is standing by the front passenger side of Mr. G vehicle, and says to PO Hui, "Did you hear me? 221." At 04:17:35 minutes, Mr. R asks PO S to explain why they were pulled
221." At 04:17:35 minutes, Mr. Research asks PO S to explain why they were pulled
over. PO S explains that they were stopped for a VTL infraction and also says,
"Maybe you should not be doing traffic infractions and smoking weed in the car." Mr.
R tells PO S that they did not smoke weed in the vehicle. PO S
replies, "So, you are saying that I got something wrong with my nose? I am not smelling what I
am smelling?" Mr. Russes replies, "No, I am saying that I did not smoke in the car." PO
says, "But you smoked." Mr. R says that they did not smoke weed in the
car, but that they smoked some in the club. At 04:21:34 minutes, Mr. Remarks exits the car and
PO S frisks him. Between 04:22:16 and 04:24:57 minutes, PO S enters and
searches the front passenger side of Mr. G
center console, the glove compartment, and inside the side door panel. PO S
walks over and enters the rear passenger side seats and checks under the seats. While checking
the rear passenger seats, PO S says, "We got an ashtray with guts in it." The camera
does not capture the ashtray he is referring to. PO State then exits the vehicle. PO
camera captures PO Hui checking the rear driver passenger seat. PO Hui points his
D





were at a party where people were smoking marijuana, and that marijuana's smoke got on to their
clothes. PO Bases smelled the odor of marijuana coming from the males' clothes as well.
After PO Hui finished searching Mr. G
inside. They complied. The trunk popped open, but PO B did not know who unlocked the
trunk, and he did not hear any officer instruct Mr. German to open it. PO Beauty
searched the trunk, because, "[there] was marijuana residue inside the vehicle," and, "[based] on
my training, any time there is contraband in the vehicle, such as marijuana, for the vehicle
purposes, I am allowed to search that vehicle bumper to bumper, looking for more contraband."
There was no other reason for which PO Beautiful searched the trunk. PO Beautiful did not
remember if he opened any bags that were in the trunk. He did not recover additional marijuana.
PO B did not see Mr. G hand a PBA card to PO Hui. PO B did not
see PO Hui drop or step on a card during this incident. PO But did not remember if PO Hui
recovered additional marijuana from the vehicle.
PO C (BR 10) acknowledged that he and his partners were requested to assist with
this car stop. PO C saw PO Hui and PO S remove the occupants from the
valida unan arriving at the scane DO Complete and the rear of Mr. Complete and
vehicle upon arriving at the scene. PO Compared the rear of Mr. Government of the vehicle, and
smelled a strong odor of burnt marijuana emanating from inside the vehicle. PO Casas also smelled the odor of marijuana emanating from the occupants' clothes when they approached him.
PO Compared to Mr. Godd and the other passengers. They stated that they were
at a party, where they and other individuals smoked marijuana. PO C did not believe Mr.
or his friends were under the influence of marijuana or any other drugs. At some point
PO Complete heard PO Hui say "221," which is a code word they use upon discovering marijuana
in a vehicle. PO Company looked over and saw PO Hui somewhere inside of Mr. Goddan Looked over and saw PO Hui sow Po H
vehicle. He could not see what PO Hui was doing inside, because his view was obstructed by the
occupants who were standing in front of him. At some point, PO C heard PO Hui say that
he found marijuana crumbs in the vehicle. PO Hui did not retrieve the alleged marijuana, and PO
did not check himself.
After the occupants returned inside the vehicle, the trunk was opened. PO Carried did not
remember who opened the trunk, or if Mr. G
acknowledged assisting PO B with the search of the trunk. PO C searched the trunk
because, "[by] law, you can search the vehicle from bumper to bumper, when there is an odor of
marijuana or residue in the vehicle." There was no other reason for which he searched the trunk.
PO C did not remember exactly how he searched the trunk, but said that he moved some
items around, and lifted and checked under them. PO Common did not remember if he opened any
bags that were in the trunk.
In People v. Cuffie, 109 A.D. 3d 1200 (2013) (BR 11) noted that "[it] is well established
that 'the odor of marihuana emanating from a vehicle, when detected by an officer qualified by
training and experience to recognize it, is sufficient to constitute probable cause' to search a
vehicle and its occupants. see People v Chestnut, 43 A.D. 2d 260 (1974) (BR 12)
Due to the conflicting statements, and absence of any independent witness testimony,
additional video, or documentary evidence, the investigation was unable to determine by a
preponderance of the evidence if PO Hui acted discourteously towards Mr. G
therefore recommended that Allegation A be closed as Unsubstantiated .
Mr. General denied smoking marijuana in the vehicle, denied that there was an odor of
marijuana within his vehicle or on his or his friends' clothes, and denied that there were
marijuana crumbs or a burnt marijuana cigarette in his vehicle. However, the video evidence



that he ran out of cards, but agrees to write down his information on the back of the
summons, which he then does.
PO Hui (BR 08) provided a generally consistent testimony with his BWC recording, with
the following additional information and exceptions. PO Hui stated that after Mr. G
his friends returned to their vehicle, he went back to his car and issued Mr. G
for failure to signal. He then returned and handed the summons to Mr. G
at that time, Mr. German pulled out his cell phone and told PO Hui that he wanted to FaceTime
his girlfriend. PO Hui told Mr. G that it was not a good idea, but denied placing his hand
over Mr. Grand phone covering the camera, or interfering with Mr. Grand recording
the incident. Mr. G then asked PO Hui for his name and shield number, which PO Hui
provided to him verbally several times, and allowed Mr. German to take a photograph of his
shield. PO Hui acknowledged that Mr. Garage asked him for the business card. PO Hui could
not provide his card to Mr. German because he did not have any at the time of the incident. PO
Hui explained that his Command ran out of the cards and did not provide him any. To fix the
issue, PO Hui wrote down his information on the back of Mr. Garage summons.
According to New York City Administrative Code Law 14-174 (c), officers shall offer a
business card to any person requesting identifying information, or provide such information
verbally to such person and allow such person sufficient time to record such information when
business card is unavailable (BR 21).
Based on the video evidence and PO Hui's testimony, the investigation determined that
PO Hui provided his information to Mr. General several times and that he did not interfere
with Commended that Allegations K. I
with General recording of the incident. It is therefore recommended that Allegations K, L ,
and N be closed as Unfounded.
It is undisputed that Mr. Game asked PO Hui for his business card and that PO Hui
did not provide it to him. PO Hui explained and the video evidence corroborates that he could not
provide his business card because he had run out of them and his Command had not replenished
the supply. To resolve the issue, PO Hui wrote down his information on the summons he issued
to Mr. Generated It is therefore recommended that Allegation M be Exonerated .
Allered and Or Other Mineral and Deline Officer Control Heiland and Indiana and a
Allegation O: Other Misconduct- Police Officer Samuel Hui had no business card as
required by Patrol Guide procedure 204-09.
As noted above, PO Hui stated that he did not provide his business card to Mr. G
because he had run out of them and his Command had not replenished the supply.
According to New York City Administrative Code Law 14-174(d), officers must have an
adequate number of business cards prior to engaging in any law enforcement activity (BR 21).
Given the above law, it is recommended that PO Hui be cited for Other Misconduct .
Civilian and Officer CCRB Histories
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- PO Samuel Hui has been a member-of-service for six years and has been named a subject in nine CCRB complaints and 34 allegations, of which three were substantiated:
 - 201610413 involved substantiated allegations of abuse of authority (vehicle search and frisk of a person) and discourtesy (action). The Board recommended Charges, and the NYPD imposed Formalized Training as penalty.
 - 201904815 involves allegations of abuse of authority (vehicle stop, vehicle search, frisk and question). The case is pending investigation.
 - o PO Hui's CCRB history does not reflect any patterns pertinent to this investigation.

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This case	is not suitable for mediation.		
As of Au	gust 9, 2019, the New York C	City Office of the Comptroller has not	record of a
	Claim filed in regards to this		
Notice of	Claim filed in regards to this	complaint (BR 22).	
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vestigator:			
	Signature	Print Title & Name	Date

Squad Leader:			
	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date